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AN ACT

RELATING TO WATER; PROVIDING FOR A COMPREHENSIVE STATE WATER PLAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 72, Article 14 NMSA 1978 is enacted to read:

"STATE WATER PLAN--PURPOSE-- CONTENTS. --

A. It is the intent of the legislature that the interstate stream commission, in collaboration with the office of the state engineer and the water trust board, prepare and implement a comprehensive state water plan.

B. The state water plan shall be a strategic management tool for the purposes of:

- (1) promoting stewardship of the state's water resources;
- (2) protecting and maintaining water rights and their priority status;
- (3) protecting the diverse customs, culture, environment and economic stability of the state;
- (4) protecting both the water supply and water quality;
- (5) promoting cooperative strategies, based on concern for meeting the basic needs of all New Mexicans;
- (6) meeting the state's interstate compact

1 obligations;

2 (7) providing a basis for prioritizing
3 infrastructure investment; and

4 (8) providing statewide continuity of
5 policy and management relative to our water resources.

6 C. The interstate stream commission in
7 collaboration with the office of the state engineer and in
8 consultation with other government agencies as appropriate,
9 shall develop a comprehensive, coordinated state water plan
10 that shall:

11 (1) identify and reflect the common
12 priorities, goals and objectives that will have a positive
13 impact on the public welfare of the state;

14 (2) establish a clear vision and policy
15 direction for active management of the state's waters;

16 (3) include an inventory of the quantity
17 and quality of the state's water resources, population
18 projections and other water resource demands under a range
19 of conditions;

20 (4) include water budgets for the state and
21 for all major river basins and aquifer systems in the state;

22 (5) develop water conservation strategies
23 and policies; to maximize beneficial use, including reuse
24 and recycling by conjunctive management of water resources
25 and by doing so to promote nonforfeiture of water rights;

1 (6) include a drought management plan
2 designed to address drought emergencies, promote strategies
3 for prevention of drought-related emergencies in the future
4 and coordinate drought planning statewide;

5 (7) recognize the relationship between
6 water availability and land-use decisions;

7 (8) promote river riparian and watershed
8 restoration that focuses on protecting the water supply,
9 improving water quality and complying with federal
10 Endangered Species Act of 1973 mandates;

11 (9) consider water rights transfer policies
12 that balance the need to protect the customs, culture,
13 environment and economic health and stability of the state's
14 diverse communities while providing for timely and efficient
15 transfers of water between uses to meet both short-term
16 shortages and long-term economic development needs;

17 (10) promote strategies and mechanisms for
18 achieving coordination with all levels of government;

19 (11) integrate regional water plans into
20 the state water plan as appropriate and consistent with
21 state water plan policies and strategies;

22 (12) integrate plans of water supply
23 purveyors, including those of local governments, privately
24 owned public utilities, associations, cooperatives,
25 irrigation districts and acequias as appropriate and

1 consistent with state water plan policies and strategies, as
2 those plans are completed and submitted to the office of the
3 state engineer;

4 (13) identify water-related infrastructure
5 and management investment needs and opportunities to
6 leverage federal and other funding; and

7 (14) promote collaboration with and
8 strategic focusing of the research and development of the
9 state's national laboratories and research institutions to
10 address the state's water challenges and to bring to the
11 state demonstration projects in desalination, conservation,
12 watershed restoration, weather modification and other
13 technological approaches to enhancing water supply and
14 management.

15 D. Recognizing that complete water rights
16 adjudication, measurement, well inventories and adequate
17 databases are essential elements of an effective water
18 management plan, and further recognizing that completion of
19 these work elements will require substantial time and
20 resources until such time as these elements are complete,
21 the state water plan shall include work plans and strategies
22 for:

23 (1) completion of water rights
24 adjudications, with required supporting documentation,
25 including hydrographic surveys, aquifer mapping and aerial

1 mapping of irrigated land;

2 (2) creation and completion of a
3 comprehensive database and an electronically accessible
4 information system on the state's water resources and water
5 rights, including file abstraction and imaging of paper
6 files as well as information on pending adjudications;

7 (3) measuring of surface and ground water
8 uses in the state as necessary for management of the state's
9 water resources; and

10 (4) taking inventory of existing water
11 wells and determining appropriate disposition of unused
12 wells.

13 E. The interstate stream commission and the
14 office of the state engineer shall consult directly with the
15 governments of Indian nations, tribes and pueblos to
16 formulate a statement of policy and process to guide:

17 (1) coordination or integration of the
18 water plans of Indian nations, tribes and pueblos located
19 wholly or partially within New Mexico with the state water
20 plan; and

21 (2) final adjudication or settlement of all
22 water rights claims by Indian nations, tribes and pueblos
23 located wholly or partially within New Mexico.

24 F. The interstate stream commission shall ensure
25 that public participation and public input are integrated

1 throughout the planning process. The interstate stream
2 commission shall convene water planners and stakeholders
3 from diverse constituencies to advise it and the office of
4 the state engineer on the state water plan, including
5 statewide policies, priorities, goals and objectives for the
6 plan, issues of statewide concern and strategies for
7 implementation of the plan. The interstate stream
8 commission shall also ensure that representatives of the
9 stakeholder groups affected by various plan components will
10 participate in the development of those plan components.

11 Members of the interstate stream commission and water trust
12 board shall be notified of and are welcome to participate in
13 all aspects of the planning process.

14 G. After public review and comment, the state
15 water plan developed in conformance with this section is
16 subject to adoption by the interstate stream commission.
17 Following its adoption, the state water plan shall be
18 presented to the interim legislative committee that studies
19 water and natural resources.

20 H. The state water plan shall be periodically
21 reviewed, updated and amended in response to changing
22 conditions. At a minimum a review shall be undertaken every
23 five years.

24 I. Nothing in the state water plan shall be
25 construed to permit the granting or the condemnation of

1 water rights.

2 J. Nothing in the state water plan shall be
3 construed to determine, abridge or affect the water rights
4 of Indian nations, tribes or pueblos."

5 Section 2. A new section of the Water Project Finance
6 Act is enacted to read:

7 "IMPLEMENTATION OF STATE WATER PLAN.--

8 A. The board, in conformance with the state
9 water
10 plan and pursuant to the provisions of the Water Project
11 Finance Act, shall prioritize the planning and financing of
12 water projects required to implement the plan.

13 B. The board shall identify opportunities to
14 leverage federal and other funding.

15 C. The board shall utilize the resources of its
16 member agencies and entities whenever possible in
17 implementing the state water plan." _____